

## **REMARKS**

The Examiner is thanked for the thorough examination of the present application. The Office Action mailed July 18, 2006 rejected claims 1, 6, 11, and 16. This is a full and timely response to that outstanding Office Action. Upon entry of the amendments in this response, claims 1, 6, 11, and 16 are pending. More specifically, claims 1, 6, 11, and 16 are amended. These amendments are specifically described hereinafter.

### **I. Present Status of Patent Application**

Claims 1, 6, 11, and 16 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Horvitz, et al.* (U.S. Patent No. 6,182,133), in view of *Takagi, et al.* (U.S. Patent No. 5,881,231) in further view of *Barrett, et al.* (U.S. Patent No. 5,727,129). These rejections are respectfully traversed.

### **II. Examiner Interview**

Applicant first wishes to express sincere appreciation for the time that Examiner Chankong spent with Applicant's representative Benjie Balser during a September 29, 2006 telephone discussion regarding the above-identified Office Action. During the interview, various features described in the patent application and recited in the independent claims, including calculating the probability solely on the actions of the particular user, and *Horvitz* were discussed, and that the outcome of this discussion is addressed herein. During that conversation, Examiner Chankong seemed to indicate that it would be potentially beneficial for Applicant to file this amendment and response. Thus, Applicant respectfully requests that Examiner Chankong carefully consider this amendment and response.

### **III. Rejections Under 35 U.S.C. §103(a)**

#### **A. Claim 1**

The Office Action rejects claim 1 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Horvitz, et al.* (U.S. Patent No. 6,182,133), in view of *Takagi, et al.* (U.S.

Patent No. 5,881,231) in further view of *Barrett, et al.* (U.S. Patent No. 5,727,129). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 1**, as amended, recites:

1. A system for facilitating communication between a user and a network of information items, comprising:
    - a remote data storage device for storing the information items, wherein the information items are stored in the form of pages, and wherein the pages contain a plurality of links to other information items;
    - a multi-layer architecture comprising:
      - a client device having a user interface program thereon, for allowing a user to interface with the network and request the information items; and
      - a server device, in communication with the client device and in communication with the remote storage device, for handling information requests from multiple clients and for storing information retrieved from the data storage devices locally in a server cache memory;
    - a data collection module for collecting and storing successive actions of a particular authenticated user; and
    - a probability module in communication with the data collection module for calculating a probability for the desirability of the links based on the action of the particular user and for comparing the probability to a predetermined threshold value to identify predicted links and for retrieving the predicted information items associated with the links from the remote data storage devices and enabling the storage of the predicted information items on both the client device layer and the server device layer of the multi-layer architecture in advance of the particular user's request for the selected information items, the probability module further configured to:
      - update the probabilities assigned to the links with each successive user activity;
      - abort retrieving the predicted information items if the user requests an information item other than the predicted information items;
      - continue retrieving the predicted information items from the remote data storage devices and storing the predicted information items in the server cache memory if the user requests the predicted information item; and
      - downloads the user requested information item to the client from the server cache memory;
- wherein the probability is calculated based solely on the actions of the particular user and not as a member of a larger set of users.***

(Emphasis added).

Applicant respectfully submits that claim 1 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue. See, e.g., *In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that the combination of *Horvitz*, *Takagi*, and *Barrett* does not disclose, teach, or suggest at least **wherein the probability is calculated based solely on the actions of the particular user and not as a member of a larger set of users**. Even if, arguendo, *Horvitz* discloses calculating the probability based on the actions of a community of users, it fails to disclose calculating the probability based solely on the actions of the particular user. In *Horvitz*, the actions of the user are used to calculate the probability; however, it is the actions of the user along with the collective actions of the user community. *Horvitz* discloses: "As more page 'hits' to web server 85 are recorded in log data 1605, statistical analysis 1615 periodically updates the sets on set store 1608 to statistically and aggregately reflect behavior of the user community as it then exists." See *Horvitz*, col. 47, lines 27-31. Nowhere does *Horvitz* calculate solely on the user's actions. In *Horvitz* the particular user actions are a factor, but not the sole factor. Neither *Takagi* nor *Barrett* cures the above-identified deficiencies of *Horvitz*.

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 1, the rejection should be withdrawn for at least that reason. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 1 is allowable.

B. Claim 6

The Office Action rejects claim 6 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Horvitz, et al.* (U.S. Patent No. 6,182,133), in view of *Takagi, et al.* (U.S. Patent No. 5,881,231) in further view of *Barrett, et al.* (U.S. Patent No. 5,727,129). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 6**, as amended, recites:

6. A method for facilitating communication between a user and a network of information items, comprising:
- providing a multi-layer architecture comprising a client device and a server device;
  - storing the information items on a remote data storage device, wherein the information items are stored in the form of pages, and wherein the pages contain a plurality of links to other information items;
  - configuring the client device having a user interface program thereon, to allow a user to interface with the network and request a download of the information items;
  - configuring the server device for handling information requests from multiple clients and for storing information retrieved from the data storage devices locally in server cache memory;
  - collecting and storing successive actions of an authenticated particular user;
  - calculating a probability for the links based on the successive actions of the authenticated particular user;
    - comparing the probability to a predetermined threshold value;
  - retrieving the information items associated with the links from the remote data storage devices;
  - enabling the storage of the information items on both the client device layer and the server device layer of the multi-layer architecture in advance of the particular user's request for the selected information items;
  - updating the probabilities assigned to the links with each successive user activity;
  - retrieving the predicted information items if the user requests an information item other than the predicted information items;
  - retrieving the predicted information items from the remote data storage devices; and storing the predicted information items in the server cache memory if the user requests the predicted information item; and downloading the user requested information item to the client from the server cache memory;
- wherein the probability is calculated based solely on the actions of the particular user and not as a member of a larger set of users.***

(Emphasis added).

Applicant respectfully submits that claim 6 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 6 is allowable for at least the reason that the combination of *Horvitz*, *Takagi*, and *Barrett* does not disclose, teach, or suggest at least **wherein the probability is calculated based solely on the actions of the particular user and not as a member of a larger set of users**. Even if, arguendo, *Horvitz* discloses calculating the probability based on the actions of a community of users, it fails to disclose calculating the probability based solely on the actions of the particular user. In *Horvitz*, the actions of the user are used to calculate the probability; however, it is the actions of the user along with the collective actions of the user community. *Horvitz* discloses: "As more page 'hits' to web server 85 are recorded in log data 1605, statistical analysis 1615 periodically updates the sets on set store 1608 to statistically and aggregately reflect behavior of the user community as it then exists." See *Horvitz*, col. 47, lines 27-31. Nowhere does *Horvitz* calculate solely on the user's actions. In *Horvitz* the particular user actions are a factor, but not the sole factor. Neither *Takagi* nor *Barrett* cures the above-identified deficiencies of *Horvitz*.

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 6, the rejection should be withdrawn for at least that reason. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 6 is allowable.

C. Claim 11

The Office Action rejects claim 11 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Horvitz, et al.* (U.S. Patent No. 6,182,133), in view of *Takagi, et al.* (U.S. Patent No. 5,881,231) in further view of *Barrett, et al.* (U.S. Patent No. 5,727,129). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 11**, as amended, recites:

11. A method for facilitating communication between a user and a network of information items, comprising:
- means for providing a multi-layer architecture comprising a client device and a server device;
  - means for storing the information items on a remote data storage device, wherein the information items are stored in the form of pages, and wherein the pages contain a plurality of links to other information items;
  - means for configuring the client device having a user interface program thereon, to allow a user to interface with the network and request a download of the information items;
  - means for configuring the server device for handling information requests from multiple clients and for storing information retrieved from the data storage devices locally in server cache memory;
  - means for collecting and storing successive actions of an authenticated particular user;
  - means for calculating a probability for the links based on the successive actions of the authenticated particular user;
  - means for comparing the probability to a predetermined threshold value;
  - means for retrieving the information items associated with the links from the remote data storage devices;
  - means for enabling the storage of the information items on both the client device layer and the server device layer of the multi-layer architecture in advance of the particular user's request for the selected information items;
  - means for updating the probabilities assigned to the links with each successive user activity;
  - means for retrieving the predicted information items if the user requests an information item other than the predicted information items;
  - means for retrieving the predicted information items from the remote data storage devices;
  - means for storing the predicted information items in the server cache memory if the user requests the predicted information item; and
  - means for downloading the user requested information item to the client from the server cache memory;

***wherein the probability is calculated based solely on the actions of the particular user and not as a member of a larger set of users.***

(Emphasis added).

Applicant respectfully submits that claim 11 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 11 is allowable for at least the reason that the combination of *Horvitz*, *Takagi*, and *Barrett* does not disclose, teach, or suggest at least ***wherein the probability is calculated based solely on the actions of the particular user and not as a member of a larger set of users.*** Even if, arguendo, *Horvitz* discloses calculating the probability based on the actions of a community of users, it fails to disclose calculating the probability based solely on the actions of the particular user. In *Horvitz*, the actions of the user are used to calculate the probability; however, it is the actions of the user along with the collective actions of the user community. *Horvitz* discloses: "As more page 'hits' to web server 85 are recorded in log data 1605, statistical analysis 1615 periodically updates the sets on set store 1608 to statistically and aggregately reflect behavior of the user community as it then exists." See *Horvitz*, col. 47, lines 27-31. Nowhere does *Horvitz* calculate solely on the user's actions. In *Horvitz* the particular user actions are a factor, but not the sole factor. Neither *Takagi* nor *Barrett* cures the above-identified deficiencies of *Horvitz*.

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 11, the rejection should be withdrawn for at least that reason. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 11 is allowable.

D. Claim 16

The Office Action rejects claim 16 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Horvitz, et al.* (U.S. Patent No. 6,182,133), in view of *Takagi, et al.* (U.S. Patent No. 5,881,231) in further view of *Barrett, et al.* (U.S. Patent No. 5,727,129). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 16**, as amended, recites:

16. A first network for facilitating communication between a user and a network of information items, comprising:
- a remote data storage device for storing the information items, wherein the information items are stored in the form of pages, and wherein the pages contain a plurality of links to other information items;
  - a multi-layer architecture comprising:
    - a client device having a user interface program thereon, for allowing a user to interface with the network and request a download of the information items;
    - a server device, in communication with the client device and in communication with the remote storage device, for handling information requests from multiple clients and for storing information retrieved from the data storage devices locally in server cache memory; and
  - the first network;
  - a data collection module for collecting and storing successive actions of an authenticated particular user; and
  - a probability module in communication with the data collection module for calculating a probability for the links based on the successive actions of the authenticated particular user, and for comparing the probability to a predetermined threshold value, and for retrieving the information items associated with the links from the remote data storage devices and enabling the storage of the information items on both the client device layer and the server device layer of the multi-layer architecture in advance of the particular user's request for the selected information items;
- wherein the probability module updates the probabilities assigned to the links with each successive user activity;
- wherein the probability module aborts retrieving the predicted information items if the user requests an information item other than the predicted information items;
- wherein the probability module continues retrieving the predicted information items from the remote data storage devices and storing the predicted information items in the server cache memory if the user requests the predicted information item; and



wherein the probability module downloads the user requested information item to the client from the server cache memory;

***wherein the probability is calculated based solely on the actions of the particular user and not as a member of a larger set of users.***

(Emphasis added).

Applicant respectfully submits that claim 16 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 16 is allowable for at least the reason that the combination of *Horvitz*, *Takagi*, and *Barrett* does not disclose, teach, or suggest at least ***wherein the probability is calculated based solely on the actions of the particular user and not as a member of a larger set of users***. Even if, arguendo, *Horvitz* discloses calculating the probability based on the actions of a community of users, it fails to disclose calculating the probability based solely on the actions of the particular user. In *Horvitz*, the actions of the user are used to calculate the probability; however, it is the actions of the user along with the collective actions of the user community. *Horvitz* discloses: "As more page 'hits' to web server 85 are recorded in log data 1605, statistical analysis 1615 periodically updates the sets on set store 1608 to statistically and aggregately reflect behavior of the user community as it then exists." See *Horvitz*, col. 47, lines 27-31. Nowhere does *Horvitz* calculate solely on the user's actions. In *Horvitz* the particular user actions are a factor, but not the sole factor. Neither *Takagi* nor *Barrett* cures the above-identified deficiencies of *Horvitz*.

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 16, the rejection should be withdrawn for at least that reason. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 16 is allowable.

**IV. Miscellaneous Issues**

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

**CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1, 6, 11 and 16 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/BAB/

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